

President Donald J. Trump
2017

Feb. 18.

1600 Pennsylvania Ave. Washington D.C. 20460

House Speaker Paul Ryan

20 South Main St. Janesville, WI. 53545

Sec. of EPA Scott Pruitt

1200 Pennsylvania Ave. N.W. Washington D.C. 20460-1101A

Why we need Regulatory Reform – 600 days and counting!

Dear President Trump, Speaker Ryan & Secretary Pruitt,

On Sunday Feb. 19, 2017, “The Meadow’s Business Park” a City of Tomah, Wisconsin sponsored 64ac. business development. Will have waited **600 days** now, for an AJD (Approved Jurisdiction Decision) from the Army Corps of Engineers (ACOE) and the EPA. This ordinary request is suppose to be routinely responded to by the ACOE & EPA in their 60 day processing timeframe.

Their procrastination, unsubstantiated data and clear obstruction from laws. Is particularly troubling when regulatory staff have personal agenda’s, contrary to the record. This now affects parties like City of Tomah, Kevin Pierce (Hawkes Company) and myself without merit or standing. The City has lost at least three (3) shovel ready business in the past 2yrs. and has 10 million dollars of prospects on the line today. Not to mention to the Jobs, secondary incomes and growth the business park will create. Currently Monroe County has 75 million dollars of new potential Tax base, Jobs and Growth waiting response’s from the St. Paul Army Corps of Engineers offices.

Meadows Business Park

- Of the 64 ac. only 2-3 ac. are isolated wetlands, and the plans are to avoid these areas. With exception of road crossings, which are generally permitted. This is a state issue, not a federal jurisdictional wetland (46 miles from traditional navigable waters) (TNW) the Wisconsin River.
- United States Supreme Court vacated this position and site in (U.S. v. Gerke) 2006, along with (Rapanos v. U.S.) 547 U.S. 715 (2006) The personal agenda’s of the St. Paul (ACOE) personal, fail to acknowledge case laws like SWANCC, Rapanos, Great Norwest or Hawkes too mention a few. Instead they create their own positions, falsify data of on site visits and extending the unattainable.
- Five (5) very qualified Environmental consultants (Sanders, Straw, Bopray, Kagel & Newling) have been to the site, multiple times over the years. And strongly disagree with the St. Paul (ACOE) positions and preliminary conclusions. Dr. Sanders and Mr. Newling are former (ACOE) officials and authors of the Corps “87” delineation manual. Otherwise referred to as the “Wetland Manual” So the gentlemen who wrote the book, disagree

with the agents enforcing today's implications.

Hawkes Co.

- The United States Supreme Court ruled unanimously 8-0 in favor of Hawkes Co. in May of 2016 (U.S. Army Corps of Eng. v. Hawkes) 2015 – 290 This finally allow's property owners nationwide the right to appeal a AJD from the Corps. Something unattainable for the last 30yrs.

Note - Justice Kennedy's comments in Hawkes: 1) "the act's ominous reach, would again be unchecked" 2) "agency's unfettered discretion" 3) "continues to raise troubling questions regarding the governments power to cast doubt on the full enjoyment of private property throughout the nation"

- On **1-24-2017** a Minnesota District Judge vindicated Kevin Pierce of Hawkes Co. with a decision favoring Hawkes and property owners like us. Ruling the St. Paul Army Corps of Engineers failed to prove a surface water connect or significant nexus test. Required by (Rapanos v. U.S.) 547 U.S. 715, 778-82 (2006) (Kennedy,J. concurring) Like Hawkes.. the corps always has site data to collect, But never show up to complete or verify!

Note – Judge Montgomery's comments: "the corps transparently obvious litigation strategy" – leave's plaintiffs without an adequate remedy until the corps....achieve[s] the result its local officers desire, without establishing CWA jurisdiction.

Or **Justice Alito's comments:** "the uncertain reach of the Clean Water Act.... Leaves most property owners with little practical alternatives but to dance to the EPA's {or to the Corps} tune" Id. at 1002 (quoting Sackett v. EPA, 132S. Ct.1367,1375 (2012) Aloto, J., concurring)

Pretty said that we live in a nation, where a law confirmed in 2006 (Rapanos) Is still not implicated by the agencies [EPA / ACOE] 10yrs. later in 2017. The same agency's that were scolded repeatedly, by Justice's in (Sackett, Koontz, Great Northwest and now Hawkes) **and today it is still business as usually ... Pre - "2006"**

The City, our consultants, U.S. Representatives and myself, have communicated relentlessly by Phone, U.S. mail, E-mails, site visits, meetings and 2 personal visits to the St. Paul District office's to meet with corps officials and Col. Calkins. With the same results **"We're working on the file"**

On Feb. 3, 2017 we (Pete Thorson, Kelly Bopray & Kevin Pierce) met with Major General Wehr of the Mississippi Valley Division in Vicksburg, overseeing the corrupt St. Paul District. Our presentation of the irregular practices, unsubstantiated and falsified data should have been overwhelming. Kevin Pierce testimony of his experiences in the (Hawkes case) 13-cv-00107-ADM-TNL doc 85 1/24/17 was riveting. When his vindication can be easily confirmed, by the Judge Montgomery's decision and comments (see pg. 26 of the decision).

Now 2 weeks later.... No response yet from M.G. Wehr, or his staff. Col. Calkin's replied, It's submitted and forthcoming. The same response we have heard for the past year!

All we expect is the fair and equitable use of our private properties. Like others have been afforded, and where communities can enjoyed the economic impacts thereafter. Then assurance's that property owner's that follow us, are not exploited like Pierces and our families have had to endure over these troubling years.

Can you assist us?

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